

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

ANDRIANNA ALEXANDER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:15-cv-2648
	)	
DISCOVER FINANCIAL SERVICES	)	
d/b/a Discover Card,	)	
	)	
Defendant.	)	

**PLAINTIFF’S COMPLAINT**

Plaintiff, ANDRIANNA ALEXANDER (“Plaintiff”), through her attorneys, alleges the following against Defendant, DISCOVER FINANCIAL SERVICES d/b/a Discover Card (“Defendant”):

**INTRODUCTION**

1. This action is brought pursuant to the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331 and 47 U.S.C. § 227.

3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) as the conduct giving rise to this action occurred in this district as Plaintiff resides in this district and Defendant transacts business in this district.

**PARTIES**

4. Plaintiff is a natural person residing in Elkton, Maryland.

5. Defendant is a business entity incorporated in Delaware with an office located in Carol Stream, Illinois.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

7. In 2015 Defendant started calling (443) 466-45xx, Plaintiff's cellular telephone.

8. The purpose of Defendant's calls was to collect a debt.

9. These calls were for a non-emergency purpose.

10. Upon information and good faith belief, based on the frequency, number, nature and character of these calls, Defendant placed them by using an automatic telephone dialing system.

11. On or about March 23, 2015 at about 8:14am, Plaintiff instructed Defendant, through its employee, representative, or agent "Terrell", to stop calling her.

12. Plaintiff revoked any consent, express or otherwise, for Defendant to use an automatic telephone dialing system to call her cell phone.

13. Defendant continued to use an automatic telephone dialing system to call Plaintiff's cell phone.

14. Between March 30 and August 30, Defendant used an automatic telephone dialing system to call Plaintiff's cellular telephone at least nine hundred thirty-one (931) times.

15. Defendant called Plaintiff's cell phone multiple times per day.

16. Defendant called Plaintiff's cell phone up to twenty-two (22) times in a single day.

17. Defendant willfully and voluntarily used an automatic telephone dialing system to place these calls.

18. Defendant intended to use an automatic telephone dialing system to place these calls.

19. Defendant did not have Plaintiff's express consent to use an automatic telephone dialing system to place these calls.

**COUNT I**  
**DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

20. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

21. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff, ANDRIANNA ALEXANDER, respectfully requests judgment be entered against Defendant, DISCOVER FINANCIAL SERVICES d/b/a Discover Card, for the following:

22. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B),

23. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C),

24. All court costs, witness fees and other fees incurred,

25. Any other relief that this Honorable Court deems appropriate.

Dated: September 8, 2015

RESPECTFULLY SUBMITTED,

By: /s/ Deborah Van Bergen  
Deborah Van Bergen  
Federal Bar No. 13998  
D. G. Van Bergen, P.A.  
1406 B Crain Hwy S Ste 104  
Glen Burnie, MD 21061  
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**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF MARYLAND     )

Plaintiff, ANDRIANNA ALEXANDER, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, ANDRIANNA ALEXANDER, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

6-29-15  
Date

Andrianna Alexander  
ANDRIANNA ALEXANDER